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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Centre Europe - tiers monde, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 July 1998]

GE.98-13305 (E)

Attempted assassination of a defender of the voiceless - Akin Birdal, Chairman of the Turkish Human Rights Association

1. Centre Europe - tiers monde has learned with dismay and a sense of outrage of the attempted assassination of Mr. Akin Birdal, national Chairman of the Turkish Human Rights Association and a leading light in the human rights movement in Turkey.

2. Around noon on 12 May two people burst into the Association's office in Ankara and fired point-blank at Mr. Birdal. Although struck by six bullets, he miraculously survived the attack; according to the latest reports, his life is no longer in danger. His right arm remains paralysed, however, and his left leg is broken.

3. The attack against Mr. Birdal took place in a climate of trial by media and disinformation, clearly aimed at silencing any group which showed any kind of solidarity, however distant, with the Kurdish people.

4. The Turkish media had earlier, following the flight to Iraqi Kurdistan of one of the leaders of the Kurdish Workers' Party (PKK), Semdin Sakik, and his "repatriation" by the Turkish army on 13 April 1998, launched a veritable campaign, on the basis of statements by this leader, to denigrate civic organizations (parties, trades unions or associations) and individuals (politicians, writers, journalists, businessmen and others) who were thought to have links with PKK. The Association and its national Chairman, Akin Birdal, were particular targets.

5. Various articles were written with the aim of blackening the reputation of a tireless defender of human rights. One such, quoted below, appeared in Hürriyet - one of the largest-circulation daily newspapers in Turkey - trying to prove that disappearances do not take place in Turkey. Comically, this assertion is based on a book published by the police authorities and portrays the Association as "playing into the hands of the terrorists".

> A book entitled The truth behind the allegations on disappeared persons has recently been published by the anti-terrorism office, which is associated with the Criminal Investigation Department. Let me give you an extract. "It is the product of honest and meticulous research carried out on the basis of allegations published in the monthly bulletins of the Human Rights Association covering a period of three years. The findings were that most of the people mentioned are in prison for having given assistance and shelter to PKK militants or for having been active in the PKK campaign; some of the allegations made are groundless and others relate simply to people who have never existed. It is extremely harmful to the interests of the country in which they (those in charge of the Association) live to use the Association's name to make false allegations, allowing suspicion to fall unjustly on the security forces and trying to turn public opinion against the police." Hundreds of names are mentioned in this book. Either the Association's allegations regarding disappearances turn out to be imaginary or the people concerned are in prison or else installed in PKK camps. It makes one wonder whose side the Association is on ... . (Hürriyet, 15 April 1998, from an article by Emin Cõlasan)

N.B. The Association has lodged a complaint against the Criminal Investigation Department for libel.

6. Oktay Eksi, Hürriyet leader writer and Chairman of the Turkish Press Council, launched an attack on Akin Birdal along the same lines:

> PKK has no secrets left. Even if the public does not realize it yet, the State knows all PKK's connections and supporters, thanks to statements by a rebel named Semdin Sakik. It knows about PKK's links with Germany, Syria, Iran, Greece and Armenia; the support provided by businessmen, journalists and writers, associations and foundations; the links between Leyla Zana and Apo, and between PKK and HADEP; the people who write and speak in support of PKK in return for money. ... It is right that we should know who they are, these "conscientious" journalists or "responsible" intellectuals, these cowards who are stabbing us in the back. ... What a nerve they have! Some have sheltered behind the law, others behind human rights and yet others behind democracy. Of course, they are right in some ways, but their aim has always been to promote pro-Kurdish activity and PKK ... (Leading article, Hürriyet, 25 April 1998).

7. The disinformation became positively hysterical when Aydinlik, a "Maoist" Turkish daily newspaper (the Turkish secret service spreads its net extremely wide!) wrote: "Akin Birdal has always acted for the Pentagon, on behalf of the Pentagon and at the request of the Pentagon" (from an article by Hasan Yalçin in Aydinlik, quoted in Hürriyet, 10 May 1998).

8. Faced with vigorous and active condemnation, particularly from European Union bodies and Governments, the authorities announced after the attack (see the newspapers of 23 May 1998) the arrest of five people accused of carrying out and/or ordering the attack against Mr. Birdal. Together with a sixth accomplice, they were said to be members of the "Susurluk gang", the reference being to a road accident at Susurluk on 3 November 1996 which confirmed the link between the mafia, the extreme right, the security forces and the government militia (see, for example, Le Monde Diplomatique, March 1997). Its members included Cengiz Ersever, station commander of Büyükçekmece police station in Istanbul. According to the Turkish press, he was an original member of JITEM, the police anti-terrorism intelligence service, which was accused of being behind political assassinations, particularly in Turkish Kurdistan.

9. Despite this embarrassing disclosure, the Prime Minister, Mesut Yilmaz, had the effrontery to claim: "I am happy that the State has been cleared of all suspicion" (see Hürriyet, 23 May 1998). A Hürriyet journalist, his eyes opened after the announcement of the arrest of the attackers, wrote:

> One of our top leaders had confidently put forward the following scenario: "The attack was most probably a ploy by PKK. With this attack the organization (the PKK), which has been dealt a heavy blow and is on the point of being wiped out, has achieved one of the most telling propaganda coups of recent years. It has pushed Turkey into a corner and prepared the ground for accusations such as 'mafia state' or 'State-murderer'." Did the Prime Minister not also state that it was an internal (PKK) settling of scores? (Hürriyet, 23 May 1998).

10. After a number of such critical articles, Akin Birdal told a press conference that he had frequently received death threats (see Hürriyet, 26 April 1998). During a private meeting with members of the

Human Rights Committee of the Turkish Parliament, he said that the attack on him was connected with unsigned statements by the second-in-command of PKK, Semdin Sakik. And according to Mr. Birdal, the same State functionaries who orchestrated the statements ordered the attack (see Hürriyet, 2 July 1998). On 13 May 1998, however, Hürriyet had reported that Semdin Sakik had withdrawn his accusations against the Human Rights Association during the hearing of his case at the Diyarbakir State Security Court.

11. In spreading false or tendentious information, therefore, the Turkish authorities played a central role in the attack on Mr. Birdal; the accusations against him were communicated to the press with total disregard for the secrecy of the inquiry and, despite their lack of substance, they were presented as if they were established fact. Even before a proper inquiry had been launched, the Turkish authorities - and first and foremost the Prime Minister - quickly decided on a policy of releasing highly diversionary information that would create complete confusion. There can thus be no doubt that those truly responsible for the attack on Akin Birdal will remain unpunished and will never be brought to justice. The truth of this has already been demonstrated following the murders of numerous human rights defenders or Kurdish activists - Vedat Aydin, Musa Anter, Medet Serhat, Mehmet Sincar and others - whose deaths were not seriously investigated and for whom justice was never done.

12. We therefore believe that it is time for the United Nations to take up this question, so that those truly responsible for the attack on Akin Birdal and for extrajudicial, summary or arbitrary executions, and the perpetrators of flagrant, massive and systematic human rights violations, do not go unpunished. If not, there is good reason to fear that the death of Akin Birdal, Chairman of the Turkish Human Rights Association, planned and announced in advance, will merely be postponed; and that Turkey will not escape from this vicious circle of massive and systematic human rights violations and of impunity for them.